

REMARKS/ARGUMENTS

This amendment is respectfully submitted in response to the non-final Office Action dated December 17, 2004.

I. Introduction

Claims 1-13 and 19-26 are pending. Claims 14-18 have been canceled. In addition, claims 1, 3, 8, 13, 19 and 24 have been amended to clarify the claims. Claim 13 has been amended to correct an antecedent basis issue.

In the Office Action, the Examiner indicated that claims 3-7 were directed to allowable subject matter but objected to these claims for depending from a rejected base claim. Applicants have amended claim 3 to be in independent form, and therefore it is respectfully submitted that claims 3-7 are now in condition for allowance.

Claims 1, 8-11, and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,465,295 to Furman (hereinafter the Furman patent). In addition, claims 2, 12, 13 and 15-18 were rejected under 35 U.S.C. §103 as being unpatentable over the Furman patent in view of U.S. Patent No. 6,020,980 to Freeman (hereinafter "the Freeman patent"). In addition, claims 21-23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman as applied to claims 2, 12, 13 and 15-18. Claim 26 stands rejected under 35 U.S. C. §103(a) as being unpatentable over Freeman in view of U.S. Patent No. 6,510,211 (hereinafter "the McAfee patent").

As will be discussed below, each of the rejected independent claims have been amended. For example, **Claim 1 has been amended to clearly point out that the call is answered before a determination is made as to whether the call is a fax or**

voice call. This feature is not taught disclosed or suggested by the applied references. Accordingly, as amended, all of the pending claims are patentable.

No new matter has been introduced in any of the amendments. In view of the above amendments and following remarks, it is respectfully submitted that all of the pending claims are patentable over the applied references.

II. Summary of the Invention and Discussion of the Applied References

1. Summary and Discussion of the Invention

In one aspect of the present invention a method is described for forwarding voice and fax calls. A Terminating Attempt Trigger (TAT) is used on the called number to send the call to a peripheral device, where the call is answered. After the call is answered, the peripheral device then monitors the line to see if fax signals are present and to determine if a fax call or non-fax, e.g., voice, call has been answered. If there are fax signals, the call is determined to be a fax call and forwarded to a device for handling faxes, e.g., by forwarding the call to a first telephone number designated number for handling faxes or by converting the fax to an E-mail and sending the E-mail to a device which can handle a facsimile sent as an E-mail attachment. If the answered call is not determined to be a fax call, e.g., it is determined to be a voice call, the call is forwarded to another designated number, e.g., one for handling voice calls. When an answered call is determined to be an incoming fax message it may be forwarded as an email, or as a fax, or both, depending on a subscriber record associated with the incoming telephone line.

2. The Furman patent

In contrast to the present invention, the Furman patent describes a terminating toll telephone switching machine which looks for additional digits dialed after the

dialed telephone number (a "suffix"), and if it sees such a suffix, it forwards a message containing the dialed number and dialed suffix to an external device, which performs a table lookup based on the dialed number and suffix (see col. 4, lines 1-16). The resulting telephone number of the lookup is then forwarded back to the toll switch, which then forwards the call to that supplied number. Call routing is based on the dialed digits and any entered suffix which is used to distinguish in some embodiments between fax and voice calls. **The call is not answered until the routing has been completed based on the dialed number or suffix.** If the toll switch does not receive a suffix after the dialed digits, the call is sent normally as per the dialed digits.

The use of dialed digits to affect call routing prior to a call being answered is in sharp contrast to Applicants' invention where, the call is answered at a peripheral device and then the determination of the type of call, e.g., fax or voice, is made based on signals received after the call is answered. In Applicants' invention a signal indicating that the call was answered would be returned to the sender, (or a device, such as a fax machine at sender's location), e.g., the phone ringing would stop, indicating that the call was answered, and that the sender could proceed. At this point, a sender would either send fax signals over the line or not, which would be used to determine the type of call in accordance with the invention. Conversely, the Furman patent teaches **not answering the call until the terminating switch determines whether additional digits have been dialed by the calling party in setting up the call. The determination as to the type of call is made in the applied reference prior to the call being answered. **Thus, all of Applicants' claims, as amended, clearly distinguish over this reference.****

3. The Freeman Patent

The Freeman patent describes a system wherein a facsimile server is provided with a facsimile modem for receiving facsimile calls. The facsimile server device receives a facsimile transmission and then queries a subscriber database for

translation of the dialed phone number to an e-mail address. The facsimile is then sent as an e-mail message. (See Abstract and col. 6, lines 13-15)

The Freeman patent does not describe or suggest examining an answered call to determine if it is a voice or facsimile call. Accordingly, it in no way anticipates or renders obvious the pending claims alone or in combination with the other applied references.

4. The McAfee Patent

The McAfee patent describes a facsimile machine that provides firmware to remotely activate and deactivate fax forwarding. **The McAfee patent does not describe or suggest examining an answered call to determine if it is a voice or facsimile call. Accordingly, it in no way anticipates or renders obvious the pending claims alone or in combination with the other applied references.**

III. The Pending Claims Are Patentable

As discussed above, none of the Furman, Freeman, or McAfee patents, alone or in combination teach or suggest answering an incoming call at a peripheral device and then determining whether the call is a fax call or a non-fax call, e.g., a voice call, with the subsequent processing of the call, e.g., forwarding of a voice call to one telephone number and a facsimile to another telephone number or via E-mail, being dependent on the determined call type.

Accordingly, all of the pending claims are now in condition for allowance.

Applicant will now point out the features of the rejected claims which render them patentable over the applied references by highlighting the relevant claim language in bold.

1. Claims 1 and 2 Are Patentable

Claim 1, and claim 2 which depends therefrom, are patentable because claim 1, as currently amended, recites:

A communications method, comprising the steps of:
detecting a first telephone call to a first telephone number;
answering the first telephone call;
determining if the answered first telephone call is a fax or voice telephone call;
if the first telephone call is determined to be a voice telephone call, forwarding the first telephone call using a second telephone number; and
if the first telephone call is determined to be a fax telephone call, forwarding the first telephone call using a third telephone number, the third telephone number being different from said second telephone number.

2. Claims 3-7 Are Patentable

The Examiner indicated that claims 3-7 were directed to allowable subject matter. Claims 3-7 have been re-written in independent form, and are therefore in condition for allowance. Applicants thank Examiner for this determination of allowability.

3. Claims 8-13 Are Patentable

Claim 8 and claims 9-13 which depend there from, are patentable because claim 8, as currently amended, recites:

A communications method for use in a telephone network including a telephone switch, service control point, and telephone switch peripheral device, comprising the steps of:

setting a terminating attempt trigger at a telephone switch on a telephone line corresponding to a first telephone number;

in response to activation of said terminating attempt trigger by a first telephone call, operating the telephone switch to contact a service control point for call processing instructions;

operating said service control point to instruct the telephone switch to connect the first telephone call to the telephone switch peripheral device;

operating the telephone switch peripheral device to answer the first telephone call and to then determine if the first telephone call is a fax or voice telephone call;

if the first telephone call is determined to be a voice telephone call,

i. operating the telephone switch peripheral device to retrieve a voice telephone call forwarding telephone number from a set of stored subscriber information including a voice telephone call forwarding telephone number and a fax telephone call forwarding telephone number; and

ii. forwarding the first telephone call using the retrieved voice telephone call forwarding telephone number; and

if the first telephone call is determined to be a fax telephone call,

i. operating the telephone switch peripheral device to retrieve the fax telephone call forwarding telephone number from the set of stored subscriber information; and

ii. forwarding the first telephone call using the retrieved fax telephone call forwarding telephone number.

4. Claims 14-18 have been canceled

5. Claims 19-23 Are Patentable

Claim 19 and claims 20-23 which depend therefrom are patentable because claim 19, as currently amended, recites:

A communications method, the method comprising the steps of:
operating a telephone switch to detect a call to a telephone number;

connecting the telephone call to a peripheral device coupled to the telephone switch;

operating said peripheral device to:

i. answer said call;

- ii. determine if the answered call is a fax telephone call or a non-fax call;
- iii. if it is determined that the answered telephone call is a fax telephone call, receive a facsimile message via the answered call;
- iv. send an E-mail message including said received facsimile message to a call forwarding service subscriber; and
- v. if it is determined that the answered call is a non-fax call, forward the call to another telephone number.

6. Claims 24-26 Are Patentable

Claim 24 and claims 25-26 which depend there from, are patentable because claim 24, as currently amended, recites:

A fax forwarding method, the method comprising:
for each of a plurality of fax forwarding service subscribers, creating a subscriber record including:
at least one telephone number corresponding to a telephone line on which the forwarding service subscriber may receive a fax call; and
an E-mail address to be used to forward a fax received by answering a call directed to said at least one telephone number;
monitoring a plurality of said telephone lines on which fax forwarding service subscribers may receive fax calls; and
in response to receiving a call on one of said monitored lines:
answering said call;
determining if said answered call is a fax call or a non-fax call;
if the call is determined to be a fax call, determining, by accessing the subscriber record corresponding to the telephone line on which the fax call is received, an E-mail address to be used for forwarding a fax received on said telephone line; and
forwarding by E-mail, using the determined E-mail address, a fax received on said telephone line.

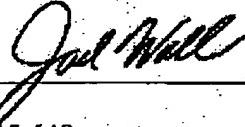
IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, Applicants request that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicants' undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

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